

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No. EB-06-TC-377
	)	
Cost Crunch, Inc. d/b/a	)	NAL/Acct. Nos. 200832170007,
Talk Toolbox	)	200832170078
	)	FRN: 0017275355

**FORFEITURE ORDER**

**Adopted: May 3, 2010****Released: May 5, 2010**

By the Chief, Enforcement Bureau:

**I. INTRODUCTION**

1. In this *Forfeiture Order* (“Order”), we issue a monetary forfeiture in the amount of \$22,500 against Cost Crunch, Inc. (“Cost Crunch”) for willful and repeated violations of section 227 of the Communications Act of 1934, as amended (“Act”)<sup>1</sup> and the Commission’s related rules and orders,<sup>2</sup> by delivering at least five unsolicited advertisements to the telephone facsimile machines of at least four consumers.

**II. BACKGROUND AND DISCUSSION**

2. The facts and circumstances surrounding this case are set forth in the Commission’s Notices of Apparent Liability for Forfeiture<sup>3</sup> and need not be reiterated at length.

3. Section 227(b)(1)(C) of the Act makes it “unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an

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<sup>1</sup> 47 U.S.C. § 227.

<sup>2</sup> See 47 U.S.C. § 503(b)(1). The Commission has the authority under this section of the Act to assess a forfeiture against any person who has “willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act ....”; see also 47 U.S.C. § 503(b)(5) (stating that the Commission has the authority under this section of the Act to assess a forfeiture penalty against any person who does not hold a license, permit, certificate or other authorization issued by the Commission or an applicant for any of those listed instrumentalities so long as such person (A) is first issued a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission nearest to the person’s place of residence; and (C) subsequently engages in conduct of the type described in the citation).

<sup>3</sup> See *Cost Crunch Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 186 (Enf. Bur. 2008), *Cost Crunch Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 9240 (Enf. Bur. 2008), and *Cost Crunch Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 13872 (Enf. Bur. 2008) (collectively “*NALs*”).

unsolicited advertisement.”<sup>4</sup> On September 11, 2006, in response to one or more consumer complaints alleging that Cost Crunch had faxed unsolicited advertisements, the Enforcement Bureau (“Bureau”) issued a citation<sup>5</sup> to Cost Crunch, pursuant to section 503(b)(5) of the Act<sup>6</sup> for using a telephone facsimile machine, computer, or other device, to send unsolicited advertisements for radios and low cost megaphones, in violation of section 227 of the Act and the Commission’s related rules and orders. The citation informed Cost Crunch that within thirty (30) days of the date of the citation, it could either request an interview with Commission staff, or provide a written statement responding to the citation. Cost Crunch did not request an interview or otherwise respond to the citation.

4. Following the issuance of the citation, the Commission received complaints from four consumers alleging that Cost Crunch faxed at least five unsolicited advertisements to them. These violations, which occurred after the Bureau’s citation, resulted in the issuance of three Notices of Apparent Liability for Forfeiture against Cost Crunch on January 11, 2008, in the amount of \$4,500; on June 12, 2008, in the amount of \$13,500; and on September 26, 2008, in the amount of \$4,500.<sup>7</sup> The *NALs* ordered Cost Crunch either to pay the proposed forfeiture amounts within thirty (30) days or submit evidence or arguments in response to the *NALs* to show that no forfeitures should be imposed or that some lesser amounts should be assessed. Steve Markland, owner at Cost Crunch, responded to the January 11, 2008, *NAL* stating that he had nothing to do with the alleged violation.<sup>8</sup> Cost Crunch did not respond to the June 12, 2008, *NAL* or to the September 26, 2008, *NAL*.

5. Cost Crunch did not substantively respond to any of the *NALs* and has accordingly failed to identify facts or circumstances to persuade us that there is a basis for modifying the proposed forfeitures. We are therefore not aware of any further mitigating circumstances sufficient to warrant a reduction of the forfeiture penalties. Based on the information before us, we hereby impose a total forfeiture of \$22,500 for Cost Crunch’s willful or repeated violation of section 227 of the Act and the Commission’s related rules and orders, for the reasons set forth in the *NALs*.

### III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and section 1.80(f)(4) of the Commission’s rules, 47 C.F.R. § 1.80(f)(4), and under authority delegated by sections 0.111, 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, that Cost Crunch, Inc. IS LIABLE FOR A MONETARY FORFEITURE to the United States Government in the sum of \$22,500 for willfully and repeatedly violating section 227(b)(1)(c) of the Communications Act, 47 U.S.C. § 227(b)(1)(c), section 64.1200(a)(3) of the Commission’s rules, 47 C.F.R. § 64.1200(a)(3), and the related orders.

7. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules within thirty (30) days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to

<sup>4</sup> 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

<sup>5</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-06-TC-377, issued to Cost Crunch on September 11, 2006.

<sup>6</sup> See 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to persons who do not hold a license, permit, certificate or other authorization issued by the Commission or an applicant for any of those listed instrumentalities for violations of the Act or of the Commission’s rules and orders).

<sup>7</sup> See n.3 *supra*; see also 47 U.S.C. § 503(b)(1).

<sup>8</sup> Letter from Steve Markland, Owner, Cost Crunch, to the Office of the Secretary, FCC, received February 19, 2008.

section 504(a) of the Act.<sup>9</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Cost Crunch will also send electronic notification on the date said payment is made to Johnny.Drake@fcc.gov. Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, DC 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

11. IT IS FURTHER ORDERED that a copy of the Forfeiture Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Cost Crunch, Inc., d/b/a Talk Toolbox, Attn: Steve Markland, 115 Rexford Lane, Alpharetta, GA 30022; 135 Rexford Lane, Alpharetta, GA 30022; 1066 Union Center Drive, Alpharetta, GA 30004; 1068 Union Center Drive, Alpharetta, GA 30004; 6625 Highway 53, Dawsonville, GA 30534; 1282 Smallwood Dr. W, Suite 3, Waldorf, MD 20603 and 160 Starboard Way, Alpharetta, GA 30022.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau

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<sup>9</sup> 47 U.S.C. § 504(a).